

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SEAN ANTHONY GILMORE,

Plaintiff,

vs.

**Case No.: 2:16-cv-395
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

SHANDAN HITCHENS, *et al.*,

Defendants.

ORDER

On October 12, 2016 and November 1, 2016, the United States Magistrate Judge issued Orders and Reports and Recommendations (*see* Docs. 36 and 43). Plaintiff has filed objections to the Reports and Recommendations (Docs. 42 and 47), as well as a number of other motions and requests (*see* Docs. 44, 45, 46, 48, and 49). The Court will consider Plaintiff's objections to the two Reports and Recommendations *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In the first Order and Report and Recommendation (Doc. 36), the Magistrate Judge recommended that Plaintiff's claims against all Defendants, except Defendants Hitchens and Frederick be dismissed without prejudice. Additionally, Plaintiff was given until October 24, 2016 to file an amended complaint or face dismissal of this action.

In response, Plaintiff filed several new motions as well as his objections restating much of the same arguments. Plaintiff again asks for an extension to file the amended complaint, arguing that he was placed in segregation and did not have access to the law library.

In the second Order and Report and Recommendation (Doc. 43), the Magistrate Judge acknowledged the additional documents filed by Plaintiff, denied his motion finalizing all 7 defendants, and ultimately recommended that the action be dismissed for failure to prosecute and comply with the Court's Orders.

In response to the final Order and Report and Recommendation, Plaintiff requests that the Court not dismiss his case and again argues that he has identified the proper defendants. He argues that he filed a motion for extension but was denied. Plaintiff asserts that he wishes to prosecute his claims on the merits, but he still does not have access to the law library. Plaintiff ultimately filed an Amended Complaint, *see* Doc. 46, however, the deadline for filing had passed.

The Court has carefully considered all of Plaintiff's arguments, however, the objections present the same issues presented to and considered by the Magistrate Judge in the two aforementioned Orders and Reports and Recommendations. Plaintiff continues to object and argue that he has been refused access to the law library and that he wishes to obtain counsel. Regardless of his reasoning, Plaintiff failed to timely respond to Court Orders. Therefore, for the reasons stated in detail in the Orders and Reports and Recommendations, Plaintiff's objections to the Reports and Recommendations are without merit and are hereby **OVERRULED**.

The October 12, 2016 and November 1, 2016 Reports and Recommendations (Docs. 36 and 43) are hereby **ADOPTED** and **AFFIRMED**. Plaintiff missed three court-ordered deadlines to file his amended complaint. Therefore, this action is hereby dismissed for failure to prosecute and comply with the Court's Orders. Further, document 49 is denied as moot.

The Clerk shall remove Documents 36, 43, and 49 from the Court's pending motions list and close this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT